IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

FIRST APPEAL No 2941 of 2001

Hon'ble MR.JUSTICE Y.B.BHATT

and

Hon'ble MR.JUSTICE H.H.MEHTA

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : YES

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

DISTRICT PANCHAYAT PANCHMAHALS

Versus

MITTAL CORPORATION

Appearance:

MR MUKESH R SHAH for Appellant

MR MUKESH M JOSHI for Respondent

CORAM : MR.JUSTICE Y.B.BHATT

and

MR.JUSTICE H.H.MEHTA

Date of decision: 22/10/2001

ORAL JUDGEMENT

(Per : MR.JUSTICE Y.B.BHATT)

1. Heard the learned counsel for the respective parties. Appeal admitted. Mr. M.M. Joshi appears for respondent and waives service of notice in the appeal.

2. On a joint request the appeal is taken up for hearing today.

3. This is an appeal filed by the District Panchayat, Panchmahals, challenging the judgement and decree passed by the Civil Judge (Senior Division), Godhra, in Civil Misc. Application No.64/89, wherein the trial court has passed a decree in terms of the award delivered by one Shri A.T. Doshi, dated 30th October 1999, under the provisions of the Arbitration Act, 1940.

4. We have examined the impugned judgement, as also the award which was the subject matter of the impugned judgement resulting in the decree in terms of the award, and with the assistance of the learned counsel for the respective parties, we have also examined such evidentiary material on record to which our attention has been drawn.

5. As a result of the hearing and discussion, learned counsel for the respective parties have requested the court to determine the amount payable under the impugned decree, and/or to modify the award which is the subject matter of the impugned decree, without the necessity of recording reasons.

6. In the premises aforesaid, having applied our mind to all the relevant aspects of the matter, we hold and declare that the impugned decree is modified only to the extent that a sum of Rs.1,52,640/- will be due and payable to M/s Mittal Corporation by District Panchayat, Panchmahals, Godhra together with interest at the rate of 12% per annum on Rs.1,52,640/- for the period from 15th June 1988 to 30th October 1999. It is clarified that the impugned decree is modified only to the aforesaid extent.

7. This appeal is, therefore, partly allowed to the aforesaid extent with proportionate costs throughout. Decree accordingly. Direct service permitted.

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